

Sec. 7-1. Building Code Board of Appeals.

CHAPTER. 7. Building and Buildings

Sec.7-5 Maintenance of Abandoned Buildings.

CHAPTER 7. BUILDING AND BUILDINGS

ARTICLE 1. ADMINISTRATION

DIVISION 1. BUILDING BOARD OF APPEALS

Sec. 7-1. Building Code Board of Appeals.

Section 7-1 Building Code Board of Appeals¹

- (a) There is established the Building Code Board of Appeals, consisting of five members, who shall be electors of the town, all of whom shall meet the qualifications set forth in the Connecticut State Building Code. Members shall be appointed so that one member's term expires each year. Members shall be appointed for a term of five years.
- (b) Any person aggrieved by the action of the Building Official or designee regarding compliance with the Building Code may appeal such action to the Building Code Board of Appeals. Such appeal process shall be governed by the provisions of Connecticut General Statutes Section 29-266.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sections 7-2 and 7-3 repealed October 29, 2019.

ARTICLE 2. BUILDING CODE²

Sec. 7-4. Building Permit Fees.

Building permit fees shall be provided by the Council in the Schedule of Fees.

Sec.7-5 Maintenance of Abandoned Buildings.

- (a) No building or premises in the town shall be in a condition which violates the provisions of the East Hartford Property Maintenance Code, the Connecticut State Building Code, or Section 7-7 of the East Hartford Code of Ordinances.
- (b) Any building or premises that violates this Section shall constitute blight as set forth in Section 7-8 (6).

¹ State law reference: as to appointments to Boards of Appeals, see CGS §19-402

² State law reference: as to State building codes' applicability, see CGS §19-395e

Sec. 7-7. Adoption of Housing Code.

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- (c) Any penalties hereunder and the costs of remedial action by the town assessed pursuant to the provisions of the East Hartford Property Maintenance Code may constitute a lien on such property and may, as applicable, with respect to costs of the town's remedial action, be assessed pursuant to the provisions of Connecticut General Statutes Section 12-169b.

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Section 7-6, Fire Districts, repealed October 29, 2019.

ARTICLE 3. PROPERTY MAINTENANCE CODE

Sec. 7-7. Adoption of Housing Code.

(a) The Town Council finds that blighted, unclean, unsanitary or unsafe buildings and other structures and premises may pose a threat to the health, safety and general welfare of their occupants and other members of the public, and may reduce the value and unreasonably interfere with the use and enjoyment of properties in the vicinity of such premises or structure. The Town Council also finds that structures and premises within the Town of East Hartford should not be allowed to become blighted, unclean, unsanitary or unsafe or remain in such condition. The Town Council adopts the International Property Maintenance Code as amended to protect, preserve and promote public health, safety and welfare, to prevent and control the incidence of communicable disease and to reduce environmental hazards to health, safety and welfare as such conditions are affected by violations of such Code. The Code as amended establishes minimum standards regarding the condition, occupancy and maintenance of all structures and premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of such structure or premises and the community. The Code prohibits any person, business entity, owner, tenant, occupier, operator, agent or possessor of real property from allowing, creating, maintaining, or causing to be created or maintain blight within the Town.

(b)The Town of East Hartford adopts, pursuant to authority to adopt a property maintenance code, a blight ordinance and a nuisance ordinance under Connecticut General Statutes Sections 7-148(c)(7)(H)(xv), 7-148(c)(7)(A); 7-148(c)(7)(E); 7-148aa; 7-148jj; 7-148o; and 7-152c, the International Property Maintenance Code, 2015 Edition, as amended by Section 7-8 of the Code of Ordinances.

Voted: 10-29-19
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Sec. 7-8. Summons for Violations.

- (a) Notwithstanding the provision of Section 7-7, the provisions of International Property Maintenance Code, 2015 Edition are amended as follows:

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(1)Section 101.1 is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the Town of East Hartford, hereinafter referred to as “this Code.”

(2)Section 102.3 of this Code is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Connecticut State Building Code, Connecticut State Fire Safety Code, and Connecticut State Fire Prevention Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Code of Ordinances or Zoning Regulations of the Town of East Hartford.

(3)Section 102.6 of this Code is amended to read as follows: The provisions of this Code shall not be mandatory for existing buildings designated as historic buildings where such buildings or structures are judged by the Code official to be safe and in the public interest of health, safety and welfare defined by Section 10-410 of the Connecticut General Statutes, which have been classified as such in the State Register of Historic Places.

(4)This Code is amended by adding the following Section 102.7.3: Where this Code references the International Residential Code, International Building Code, International Existing Building Code, International Plumbing Code, International Mechanical Code, or National Electrical Code, it shall be considered to reference the Connecticut State Building Code. Where this Code references the International Fire Code, it shall be considered to reference the Connecticut State Fire Safety Code.

(5)Section 102.8 of this Code is amended to read as follows: Requirements necessary for the strength, stability or proper operation of an existing building or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be as required in the Connecticut State Building Code, Connecticut State Fire Safety Code, or Connecticut State Fire Prevention Code.

(6)Section 103.1 of this Code is amended to read as follows: The Department of Inspections and Permits shall be the “department” as referred in this Code and the Director of Inspections and Permits shall be the “Code Official” as referred in this Code.

(7)Section 103.5 of this Code is amended to read as follows: The costs assessed for activities and services performed by the town under this Code shall be the expenses associated with actions taken to enforce the provisions of the Code concerning the building or premises.

(8)Section 104.3 of this Code is amended to read as follows: Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists in a building or upon a premises a condition in violation of this Code, the Code Official is authorized to enter or perform the duties imposed by this Code, provided that if such building or premises is occupied, the Code Official shall present credentials to the occupant and make reasonable efforts to request entry. If such building or premises is unoccupied, the Code Official shall make a reasonable effort to locate the owner, owner’s authorized agent or other person having charge or control of the building

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or premises and request entry. If entry is refused, the Code Official shall have the authority to enter such premises in accordance with state law.

(9) This Code is amended by adding the following Section 104.7: Required inspections – rental dwellings. Effective July 1, 2020, upon vacancy of any dwelling units that are rented, the owner shall request that the Code Official have an inspection of the dwelling performed and approved prior to the dwelling being re-occupied. Any violations of this Code that are observed during the inspection must be corrected and approved by the Code Official before the dwelling may be re-occupied.

(10) This Code is amended by adding the following Section 104.8: Annual inspections of rooming houses. Annual inspections of rooming houses, motels, hotels, motor hotels, or rooming units shall be performed in accordance with the requirements in Chapter 7 of the Town of East Hartford Code of Ordinances.

(11) Section 106.4 of this Code is amended to read as follows: (a) After notice of a violation has been given to the owner or occupant of such premises in accordance with Section 107, any person who violates the following provisions, which shall constitute blight under the provisions of this Code and Connecticut General Statutes Section 7-148(c)(7)(H)(xv), shall be liable for the civil penalties as set forth in this Section. Each day that a violation continues after due notice has been served shall be deemed a separate offense:

- (A) Section 108.1.1 Unsafe structural conditions \$100
- (B) Section 108.1.2 Unsafe equipment \$100
- (C) Section 108.1.3 Unfit for human occupancy \$100
- (D) Section 108.1.4 Unlawful structure \$100
- (E) Section 108.1.5 Dangerous structure or premises \$100
- (F) Section 302 Exterior deterioration \$ 100
- (G) Section 304 Exterior structure \$100
- (H) Section 305 Interior structure \$100
- (I) Section 306 Component Serviceability \$100
- (J) Section 307 Handrails & Guardrails \$100
- (K) Section 308 Rubbish & Garbage \$100
- (L) Section 309.1 Infestation \$100
- (M) All other violations of the Code \$100
- (N) The premises is attracting illegal activity as documented by the Police Department and such activity constitutes a serious threat to health, safety and welfare of the public. \$100
- (O) The premises is a fire hazard as determined by the Fire Marshal and such fire hazard constitutes a threat to the health, safety and welfare of the public. \$100
- (P) The premises are in violation of the following Sections of the East Hartford Code of

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Ordinances: Sections 7-5, 7-16, 7-23, 11-2 through 11-5 inclusive; article 2 of Chapter 13; Sections 13-25 through 13-29 inclusive; Sections 16-5 through 16-7 inclusive; Section 16-14 through 16-17a inclusive; Chapter 17; Sections 18-9 through 18-18 inclusive; Section 18-33; Section 18-36; Section 18-38; Sections 20-1 through 20-3 inclusive; and Sections 21-1 through 21-9 inclusive. \$100

(b) The Director of Inspections and Permits or designee may issue a citation assessing a civil penalty in accordance with the provisions of Subsection (a) of this Section to any person who has failed to correct a violation within the time specified in a notice issued in accordance with the provisions of Section 107. Such citation shall include the following provisions: (1) that the person may pay the penalty specified in the citation to the Finance Department within fifteen days of receipt of such citation or service on the property where the violation occurred; (2) the allegations against him and the amount of the penalty; (3) that the person may contest liability for the penalty before a Property Maintenance Code Citation Hearing Officer by delivering, in person or by mail, within ten days of the date of the citation, a written demand for a hearing; (4) that if the person cited does not demand such hearing, an assessment and judgment will be entered against him; and (5) such judgment will issue without further notice.

(c) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, remit the full amount of the civil penalty, either in person or by mail, payable to the Finance Department. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making such payment. Any person who fails to pay such penalty or demand a hearing shall be deemed to have admitted liability. The Director of Inspections and Permits shall certify such failure to a Property Maintenance Code Citation Hearing Officer who shall enter an order assessing the civil penalties, costs and fees provided in such citation and may follow the procedures set forth in Section 7-152c (f). The Town of East Hartford may also file a lien on the real estate on which the violation or violations in the citation occurred pursuant to the provisions of Section 7-148aa of the Connecticut General Statutes.

(d) Any hearing under this Section shall follow the citation hearing procedures in Section 7-152c of the Connecticut General Statutes unless otherwise provided in this Section. While the rules of evidence do not need to be strictly applied, all testimony shall be given under oath or affirmation. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided Property Maintenance Code Citation Hearing Officer may grant, upon good cause shown, any reasonable request by such person for a postponement of such hearing. The presence of either the Director of Inspections and Permits or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing, may present evidence, and may be represented by an agent or attorney. The Director of Inspections and Permits or designee may present evidence on behalf of the Town. If the person who received the citation fails to appear, the Property Maintenance Code Citation Hearing Officer shall enter an assessment by default against such person upon a finding of proper notice and liability under the applicable provisions of this Section. The Property Maintenance Code Citation Hearing Officer shall render a decision at the conclusion of the hearing and issue a written decision within ten days of the hearing. If the Citation Hearing Officer determines that the person who received the citation is not liable, it shall dismiss the matter and enter that determination in

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writing. If the Board determines that the person who received the citation is liable for the civil penalties, the Board shall assess the civil penalty as provided in the citation.

(e) If the assessment by the Property Maintenance Code Citation Hearing Officer is not paid to the Tax Collector within ten days of the receipt of the decision by the Citation Hearing Officer, the Town of East Hartford may follow the procedures in subsection (f) of Section 7-152c of the Connecticut General Statutes. The Town of East Hartford may also file a lien on the real estate on which the violation or violations in the citation occurred pursuant to the provisions of Section 7-148aa of the Connecticut General Statutes.

(12) Section 107.2 of this Code is amended to read as follows: Such notice prescribed in Section 107.1 shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Include a statement of the violation or violations and why the notice is being issued;
- D. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or building into compliance with the provisions of this Code;
- E. Include the right to appeal;
- F. Include a statement of the right to file a lien or seek the remedies set forth in accordance with Section 106.4; and
- G. Include the penalties associated with the violation.

(13) Section 107.3 of this Code is amended to read as follows: Such notice shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally or by a State Marshal or other legally authorized process server in the State of Connecticut;
- B. Sent by certified or registered mail addressed to the last known address; or
- C. As otherwise prescribed by law.

(14) Section 107.5 of this Code is amended to read as follows: Penalties for noncompliance with orders and notices shall be as set forth in Sections 106.3 and 106.4.

(15) This Code is amended by deleting Section 107.6 in its entirety.

(16) Section 108.1.3 of this Code is amended to read as follows: Building unfit for human occupancy. A building, or part thereof, shall be deemed unfit for human occupancy whenever the Code Official or the Director of Health or designee finds that such building is unsafe, unlawful or, because of the degree to which the building is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks adequate ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the building constitutes a hazard to the occupants of the building or to the public.

(17) Section 108.3 of this Code is amended to read as follows: Whenever the Code Official has condemned a building or equipment under the provisions of this Section,

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notice shall be posted in a conspicuous place in or about the building affected by such notice and served on the occupants and owner, owner's authorized agent or the person or persons responsible for the building or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form of prescribed in Section 107.2.

- (18) Section 108.5 of this Code is amended to read as follows: Any occupied building condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who occupies a placarded building or shall operate placarded equipment after notice to vacate was served on them, and any owner, owner's authorized agent or person responsible for the building who shall let anyone occupy a placarded building or operate placarded equipment shall be liable for the penalties provided by this Code.
- (19) Section 109.1 of this Code is amended to read as follows: When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any building because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official shall immediately refer such conditions to the Fire Marshal.
- (20) Section 109.2 of this Code is amended to read as follows: Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, a building or equipment is in imminent danger due to an unsafe condition, the Code Official may immediately order that the necessary work be done, including the boarding up of openings, to render such building temporarily safe whether or not the legal procedure herein described has been instituted. If the owner fails to immediately correct such conditions identified in the order, the Code Official is empowered to cause such necessary work to be completed in order to abate the emergency.
- (21) Section 109.4 of this Code is amended to read as follows: Where unsafe conditions exist due to operational failure of essential heating, electrical power or sanitary facilities within an occupied dwelling unit or dwelling and the dwelling unit or dwelling is otherwise suitable for human occupancy, and the owner fails to take immediate action to restore such conditions, the Code Official shall order restoration of such essential heating, electrical power or sanitary facilities by the owner or by the town. Costs for such emergency repairs by the town may be paid by the town and recovered in the manner established in Section 109.5.
- (22) Section 109.5 of this Code is amended to read as follows: Costs incurred in the performance of emergency work or repairs, or work or repairs to make a premises safe and sanitary hereunder, performed by, or on behalf of, the Town of East Hartford shall be charged to the owner of the premises on which such emergency work was performed. If the costs of the emergency work are not paid by the owner of the premises, the town may recover such costs in accordance with the provisions of Section 7-5.
- (23) Section 110.2 of this Code is amended to read as follows: Notice as required by Section 7-22 of The Code of Ordinances shall be served prior to the demolition of any building

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- more than fifty years old except in the case of imminent danger to the public or major destruction by fire.
- (24) Section 110.3 of this Code is amended to read as follows: If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the Code Official shall cause the building to be demolished and removed, and the costs of such demolition and removal may be recovered in accordance with the provisions of Section 7-5.
- (25) This Code is amended by adding the following Section 110.3.1: Abandoned Buildings. Buildings abandoned for more than one year may be ordered demolished, and the Town will have the same remedies set forth in Section 110.3 above.
- (26) Section 111.1 through 111.8, inclusive, of this Code is amended to read as follows:
- (a) 111.1 The Mayor shall appoint one or more persons to serve as a Property Maintenance Code Citation Hearing Officer to conduct hearings pursuant to this Section, provided no employee of the Police Department or Inspections and Permits Department may serve as such officer. Each person shall serve a term of one year or until a successor is appointed whichever is longer.
- (b) 111.2 Any person aggrieved by a decision of the Code Official or a notice or order issued under Section 107 or a citation issued under Section 106 may appeal such decision, notice, order or citation to a Property Maintenance Code Citation Hearing Officer. Such person shall file a written application for appeal within ten days after the day the decision, notice or order is received by such person. Such appeal shall be based on a claim that the Code has been incorrectly interpreted, the provisions of the Code have not been violated, the provisions of the Code do not apply or the requirements of the Code are adequately satisfied by other means. In appealing a citation issued under Section 106, such person shall file such application in accordance with the provisions of such Section.
- (27) This Code is amended by deleting Section 112 in its entirety.
- (28) Section 201.3 of this Code is amended to read as follows: Where terms are not defined in this Code and are defined in the Connecticut State Building Code, International Building Code, International Existing Building Code, Connecticut State Fire Safety Code, Connecticut State Fire Prevention Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code, NFPA 70, Code of Ordinances and Zoning Regulations of the Town of East Hartford, such terms shall have the meanings ascribed to them as stated in those Codes.
- (29) Section 201.5 of this Code is amended to read as follows: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- (30) Section 201.6 of this Code is amended to read as follows: All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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(31) Section 201.7 of this Code is amended to read as follows: A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing.

(32) Section 201.8 of this Code is amended to read as follows: Words used in the past or present tense include the future as well as the past and present tense.\

(33) The following definitions in Section 202 are added, or amended, as follows:

Abandoned: shall mean any building that has remained vacant and the premises not maintained for a period of at least one year.

Board of Appeals: where used in this Code the term Board of Appeals shall mean Property Maintenance Code Citation Hearing Officer.

Bond: an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Business: Any profession, trade, occupation and any other commercial enterprise.

Clerk: The Town Clerk

Code: International Property Maintenance Code as amended.

Keeper and Proprietor: Persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.

Mayor: The Mayor of the Town of East Hartford

Oath: Any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law, an affirmation may be substituted for an oath.

Occupant: Any individual living or sleeping in a building, or having tenancy or actual possession of a space within a building.

Operate: Carry on, keep, conduct, maintain, manage, direct or superintend.

Ordinances: Ordinances of the Town of East Hartford and all amendments and supplements thereto.

Owner: Any person, agent, operator, firm or corporation who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, any part owner, joint owner, owner of a community or partnership interest,

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life tenant, tenant in common, or joint tenant of the whole or part of such building or land, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: Any individual, natural person, Joint Stock Company, partnership, voluntary association, society club, firm, company, corporation, limited liability company, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver, or other representative appointed according to law.

Personal Property: Every species of property, except real property, as herein defined.

Property: Real and Personal Property.

Premises: A lot, plot or parcel of land including any buildings thereon. A premises shall also mean an individual tenancy or dwelling unit within a multiple tenant structure.

Rooming House: Any dwelling unit in which three or more rooms are offered for rent with or without meals to three or more persons not of the immediate family of the owner.

Time of Performance: The time within which an act is to be done as provided in any Section or any order issued pursuant to any Section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, is excluded.

Town: The Town of East Hartford, in the County of Hartford, and the State of Connecticut.

(34) Section 301.2 of this Code is amended to read as follows: The owner of the premises shall maintain the buildings and exterior property in compliance with these requirements except as otherwise provided for in Sections 19a-358, 47a-7, 47a-11, 47a-51 and 47a-54a of the Connecticut General Statutes.

(35) Section 302.4 of this Code is amended to read as follows: All premises shall be maintained free from weeds or excessive grass or plant growth in excess of nine inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and other vegetation provided, however, that this term shall not include cultivated grasses, flowers or gardens. Grass and weeds on unimproved premises shall be maintained to a height of not more than nine inches in height for at least ten feet from side and rear property lines if improved premises and at least fifteen feet from the street line.

(36) Section 302.7 of this Code is amended to read as follows: All accessory buildings, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. No person shall erect or replace any fence exceeding four feet in height in the front yard of any

Parking on front lawns and driveways is prohibited as follows:

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residential property in the town. As used in this Section, "front yard" shall mean any portion of the property between the street frontage and the residential building but shall not include the side yard or rear yard of residential property that is a corner lot or through lot. A person may erect a fence consisting of wood, wood composite, metal or plastic coated chain link, polyvinyl chloride or similar hard plastic compound material or such other material approved by the Code Official. No fence shall consist of tarp, canvas, fabrics or similar material. Any slats in between the chain links of a fence shall be of a uniform color pattern and shall be trimmed to grade level and to the top rail of the fence, and shall be maintained in an intact and unbroken condition.

(37) This Code is amended by adding Section 302.7.1 as follows: Fabric Garages or Storage Buildings. Buildings intended for storage of goods or vehicles that are covered by a fabric membrane shall not be permitted to be installed or used for any period of time in the yards of residential premises.

(38) This Code is amended by adding Section 302.7.2 as follows: Recreational Fabric Structures. Notwithstanding Section 302.7.1, tents, open-sided or screened fabric shelters for the purpose of shade or recreation are permitted to be erected in the rear yard of one-, two- and three-family dwellings from May 1 through September 30.

(39) Section 302.8 of this Code is amended to read as follows:

(a) Except as provided in subsection (b) of Section 21-1 of the Code of Ordinances and in the Zoning Regulations of the town of East Hartford, no unregistered motor vehicle shall be parked, kept or stored on any premises and no vehicle shall at any time be kept in a state of disassembly, disrepair or in the process of being stripped or dismantled provided that any vehicle may be repaired if such activity is permitted by a provision of the Code of Ordinance or zoning regulations of the town of East Hartford and such activity is conducted entirely within an enclosed structure.

(b) Parking on front lawns and driveways is prohibited as follows:

(i) As used in this Section:

- (1) "driveway" means a hard surface consisting of asphalt, concrete, brick, pavers, gravel or other materials normally used for driveways which is no greater in width than authorized under applicable Town zoning regulations and which is used as a means of ingress and egress to a parking area.
- (2) "commercial motor vehicle" means a motor vehicle, without regard to the type or class of registration plate affixed thereto, the use of which, in whole or in part, is in conjunction with or in furtherance of a commercial enterprise, regardless of whether or not the vehicle bears the name of a business or commercial enterprise. Commercial vehicles do not include motor vehicles used and parked on the site of a permitted agriculture, farming, forestry or nursery gardening use
- (3) "undersized commercial motor vehicle" means a commercial motor vehicle which has a gross weight under 10,000 pounds, a length of less than 30 feet, and a height of less than 8 feet, and which does not meet the definition of oversized motor vehicle.

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- (4) "oversized motor vehicle" means any motor vehicle or commercial motor vehicle which:
 - (i) has a gross weight of over 10,000 pounds; or
 - (ii) exceeds 30 feet in length; or
 - (iii) exceeds 8 feet in height; or
 - (iv) has more than 2 axles; or
 - (v) is designed to sell or deliver food or merchandise directly from the vehicle; or
 - (vi) is a vehicle used for transporting hazardous materials or waste; or
 - (vii) is a commercial trailer, bucket loader, bucket truck, crane, fork lift, wrecker, tanker truck, front end loader, bulldozer, bus, dump truck, tow truck, track vehicles, backhoe or bobcat.
- (5) "major recreational equipment" means a travel trailer, camper, motorized home, tent, auto camper and aquatic and off road vehicles.
- (6) "travel trailer" means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified "travel trailer" by the manufacturer of the trailer.
- (7) "camper" means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- (8) "motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (9) "tent" means a fabric folding structure mounted on wheels and designed for travel use
- (10) "auto camper" means a lightweight unit that fits on top of a vehicle designed primarily for recreational use.
- (11) "aquatic and off road vehicles" means boats, ski-mobiles, dune buggies, amphibious vehicles, dirt bike and includes a trailer, case, or box used for transporting such vehicles to a point of use.
- (12) "parking space" means the area for parking a motor vehicle, except for major recreational equipment, no more than ten feet wide and twenty feet long, made up of a surface consisting of the materials set forth in

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subdivision (1) of this subsection, and having direct access to a street or driveway.

(ii) No motor vehicle shall be parked on property on which a one to four family dwelling is located in a residential zone unless it is parked in a garage or in a driveway or parking space, which driveway or parking space shall not be located on any portion of such property between the living area of the dwelling and the street unless such driveway or parking space has been approved under applicable Town zoning regulations and building Code.

(iii) No major recreational equipment may be stored or parked on any property in a residential zone unless it is thirty feet or less in total length and is (i) parked or stored in a garage or other completely enclosed structure that is legal under applicable East Hartford zoning regulations or (ii) parked on a parking space at least five feet from side and rear lot lines, no closer than twenty-five feet to any adjoining residence. Such equipment, during the time it is parked or stored on such property, shall not be used or occupied for living, sleeping, housekeeping, storage or business purposes and there shall be no connections to any utility service, including electric, heat, water, sewage disposal, or natural gas services. Such equipment shall be owned or leased by a person residing on such property, registered with the Connecticut Department of Motor Vehicles, if applicable and operational and fit for its intended use. The owner or lessor of such recreational equipment shall be current with respect to the payment of taxes to the Town.

(iv) Notwithstanding the provisions of subsection (iii), major recreational equipment that has a total length of thirty feet or less may be parked on a driveway or parking space of such property for a period not exceeding twenty-four hours.

(v) No oversized motor vehicle or commercial motor vehicle shall be parked on property in a residential zone.

(vi) Notwithstanding the provisions of subsection (v), no more than 1 undersized commercial motor vehicle may be parked on property in a residential zone provided it is parked in a garage or in a driveway or parking space, which driveway or parking space shall not be located on any portion of such property between the living area of the dwelling and the street unless such driveway or parking space has been approved under applicable Town zoning regulations and building Code and further provided that the owner or operator of such undersized commercial motor vehicle is the occupant of the residence where such vehicle is located.

(vii) Nothing in this Section shall supersede any Town of East Hartford zoning regulation which is more restrictive on the location of major recreational equipment, commercial motor vehicle, or other motor vehicles.

Parking on front lawns and driveways is prohibited as follows:

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Parking on front lawns and driveways is prohibited as follows:

- (40) This Code is amended by adding Section 302.10 as follows: Excessive brush. Property areas shall be maintained free of piles of cut brush, branches, plants, or plant material and shall be promptly removed from the premises.
- (41) Section 303.2 of this Code is amended to read as follows: Private swimming pools, hot tubs and spas shall have their enclosures maintained to the requirements of the Code under which they were permitted and approved by the building Official. New enclosures and replacement enclosures shall comply with the Connecticut State Building Code.
- (42) Section 304.14 of this Code is amended to read as follows: During the period from June 1 through October 15, inclusive, every door, window and other outside opening utilized or required for ventilation purposes or egress purposes and capable of being held in an open position serving any structure containing habitable rooms shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door containing screening shall have a self-closing device in good working condition. Screen doors shall not be required where other approved means for excluding insect intrusion are installed and functioning, such as approved air curtains or insect repellent fans.
- (43) This Code is amended by adding Section 304.2.1 as follows: Renovation, Repair, and Painting. Peeling, chipping, flaking or abraded paint in pre-1978 housing shall be repaired, removed, or covered in accordance with applicable Federal, State or local laws.
- (44) This Code is amended by adding Section 304.5 as follows: Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests, surface and ground water.
- (45) This Code is amended by adding Section 304.7.1 as follows: Temporary roof covering. Any temporary roof coverings such as tarps or plastic films installed for the purpose of preventing water infiltration through a damaged or deteriorated roof covering shall be installed for no longer than 30 calendar days within which time the owner shall have applied for a building permit to install permanent repair of said roof.
- (46) Section 304.14 of this Code is amended to read as follows: Insect screens. Every door, window and other outside opening required for ventilation shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (47) This Code is amended by adding Section 305.3.1 as follows: Renovation, Repair and Painting. Peeling, chipping, flaking or abraded paint in pre-1978 housing shall be repaired, removed or covered in accordance with applicable Federal, State or local laws.
- (48) Section 307.1 of this Code is amended to read as follows: For detached one- and two-family dwellings and townhouses, every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall

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not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Guards shall not be required where exempted by the Connecticut State Building Code.

- (49) This Code is amended by adding Section 308.2.1 as follows: Dumpsters. Where dumpsters are used as garbage containers for retail, food service, or multi-family buildings, said dumpsters shall be located in rear yards, shall not occupy required parking spaces, shall be set on concrete pads, and shall be enclosed by solid fencing and access gates that are six feet high above grade.
- (50) Section 309.3 of this Code is amended to read as follows: The owner of a one-family rental dwelling or of a single-tenant nonresidential building shall be responsible for pest elimination on the premises, unless legal responsibility has been transferred in accordance with Section 301.2.
- (51) Section 309.4 of this Code is amended to read as follows: The owner of a building containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property.
- (52) This Code is amended by deleting Section 309.5 in its entirety.
- (53) This Code is amended by adding the following Sections: Radon
- 310.1 Radon test results. The owner shall not rent a property if a known radon level at or over 4.0 picocuries per liter (pCi/L) is found in a habitable space of the property. Such radon levels shall be deemed an unsafe condition and shall be mitigated in accordance with this Section. The owner shall disclose any known radon test results. If the occupant performs a radon test, the occupant shall provide the owner with documentation from the radon analytical laboratory, within ten business days of receipt of the radon report, that the average radon level is at or over 4.0 pCi/L. Acceptable radon test results include the average of two short-term tests conducted simultaneously or sequentially, one long-term test result, or one continuous radon monitor test. The owner may conduct a continuous radon monitor test by a National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) certified measurement professional within 10 business days to confirm or contest the initial radon report. Such confirmatory testing shall be conducted in the same location and under the same conditions as the initial test conducted by the occupant.
- 310.2 Radon mitigation. If there is a confirmed radon result at or over 4.0 pCi/L, the *owner* shall hire an NRPP or NRSB certified radon mitigation professional to install a radon mitigation system to reduce the radon level to below 2.0 pCi/L within thirty (30) calendar days. A mitigation system must be maintained in working order.
- 310.3 Post-mitigation radon test. If a mitigation system is installed, the *owner* shall conduct at least one, short-term, post-mitigation radon test immediately after system installation is completed. If post-mitigation test is conducted outside November 1 through March 31, an additional test shall be conducted between November 1 and March 31.
- (54) Section 404.2 of this Code is amended to read as follows: A habitable room, other than a

Parking on front lawns and driveways is prohibited as follows:

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kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls. Kitchens that were approved to comply with accessibility requirements of the Connecticut State Building Code do not need to comply with this Section.

(55) Section 404.5 of this Code is amended to read as follows: Rental dwelling units shall not be occupied by more occupants than permitted pursuant to Section 19a-358 and Section 47a-54a of the Connecticut General Statutes.

(56) Section 503.4 of this Code is amended to read as follows: Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition for any building except in a detached one- and two-family dwelling and townhouse.

(57) Section 504.3 of this Code is amended to read as follows: Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. Corrective work shall be in accordance with the Connecticut State Building Code.

(58) Section 505.4 of this Code is amended to read as follows: Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C) and a maximum of 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(59) Section 602.2 of this Code is amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

(60) Section 602.3 of this Code is amended to read as follows: Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 65°F in all habitable rooms, bathrooms and toilet rooms.

(61) Section 602.4 of this Code is amended to read as follows: Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. Exceptions: (1) processing, storage and operation areas that require cooling or special temperature conditions; (2) areas in which persons are primarily engaged in vigorous physical activities; and (3) areas exempted by OSHA regulations.

- (62) Section 604.2 of this Code is amended to read as follows: The approved service shall be maintained in accordance with the Connecticut State Building Code.
- (63) Section 606.1 of this Code is amended to read as follows: Elevators, dumbwaiters and escalators shall be maintained in compliance with applicable Codes and regulations adopted by the State of Connecticut.
- (64) Section 606.2 of this Code is amended to read as follows: In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied, provided buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. Buildings with dwelling units or sleeping units served by elevators shall not have all elevators out of service for more than 24 hours. Should Town of East Hartford emergency services personnel and equipment be used to transport disabled persons in and out of the building by the stairs, the building owner shall be required to reimburse the Town for such expenses. Should the owner fail to pay such expenses, the town may recover such costs, including attorney's fees, in accordance with the applicable law.
- (65) Section 701.1 of this Code is amended to read as follows: The provisions of this Chapter shall govern the minimum conditions and standard for fire safety in detached one- and two-family dwellings and their accessory structures. No provisions of this Chapter shall be considered to supersede the State Fire Safety Code, which shall govern for all other buildings.
- (66) Section 704.2 of this Code is amended to read as follows: Single- or multiple-station smoke alarms shall be installed and maintained in dwellings at all of the following locations: (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; (2) In each room used for sleeping purposes; and (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Section 7-6 of the Town of East Hartford Code of Ordinances were originally repealed on October 29, 2019.

Sec. 7-8 a. State Fine for Violations of Blight Ordinance

(a) Except as provided in subsection (b) of this section, any person who, after written notice and a reasonable opportunity to remediate blighted conditions, willfully violates any regulation adopted pursuant to section 7-148(c)(7)(H)(xv) of the Connecticut General Statutes concerning the prevention and remediation of housing blight, shall be subject to a state fine of not more than two hundred fifty dollars for each day, based on actual inspection of the property on each such day, that such violation continues after the period of reasonable opportunity to remediate has ended. A civil penalty under this section shall not be assessed for the same occurrence of a violation for which a criminal fine under this subsection has been assessed and paid.

Sec. 7-9 Withhold Building Permits on Delinquent Tax Property.

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Sec. 7-14. License Non-Transferable; Ownership Transfer.

(b) Any person who is a new owner or new occupant shall, upon written request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to subsection (a) of this section. For the purposes of this section, "new owner" means any person or entity who has taken title to a property within thirty days of the issuance of the notice, and "new occupant" means any person who has taken occupancy of a property within thirty days of the notice.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sec. 7-9 Withhold Building Permits on Delinquent Tax Property.

- (a) No building permit shall be issued by the Director of Inspections and Permits or designee until: (1) the Director or designee determines that taxes, interest and lien fees on the property for which the Building Permit would be issued are current; or (2) if taxes are delinquent, (A) the Collector of Revenue or designee has informed the Director in writing that the owner of such property has entered into a delinquent tax repayment plan approved by the Collector of Revenue; or (B) the Director of Inspections and Permits certifies in writing that the construction, repair or improvement described in such permit will address a health or safety emergency affecting the occupants of the building that is the subject of the permit.
- (b) As used in the section, "building permit" shall include a building permit, certificate of occupancy, electrical permit, mechanical permit, and all other permits and certificates issued by the Director of Inspections and Permits or designee under the State of Connecticut Building Code.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sec. 7-12. License Required; Application; Issuance; Display.

(a) No person shall operate a rooming house, hotel, motel or motor hotel unless he holds a valid rooming house license issued by the Director of Inspections and Permits, or his authorized agent, in the name of the operator and for the specific rooming house, hotel, motel, motor hotel or rooming unit. The operator shall apply to the Director of Inspections and Permits for such license, which shall be issued upon compliance by the operator with the applicable provisions of the Housing Code.

(b) The license shall be displayed in a conspicuous place on the premises at all times.

[Section 7-13 has been repealed effective 5-31-01]

Sec. 7-14. License Non-Transferable; Ownership Transfer.

No license shall be transferable. Every person holding such a license shall give notice in writing to the Director of Inspections and Permits within twenty-four hours after having sold, transferred, or otherwise disposed of, ownership, interest in, or control of any rooming house, hotel, motel, or motor hotel. Such name shall include the name and address of the person succeeding to the ownership of control of such business.

Sec. 7-15. License Term; Fee.

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Section 7-20. Bond and Insurance Requirements.

Sec. 7-15. License Term; Fee.

(a) Every rooming house license shall expire at the end of two years following the date of issuance, unless sooner suspended or revoked as hereinafter provided.

(b) The fee for such license shall be as provided by the Council in the Schedule of Fees.

Sec. 7-16. Notice of Violations.

Whenever, upon inspection of any rooming house, conditions or practices are found to exist which are in violation of any provision of the Housing Code, a notice shall be given in writing to the operator of such rooming house, stating that unless such conditions or practices are corrected within a reasonable period as determined by the Department of Inspections and Permits, the operator's license will be suspended.

[Sections 7-17 through 7-18, inclusive, have been repealed effective 05-31-01]

41 ARTICLE 4. MOVING OF BUILDINGS OVER STREETS, ETC.³

Sec. 7-19. Permit Required.

It shall be unlawful for any person to move any building or any part of a building through, across or upon any street, highway or sidewalk without first having obtained a written permit from the Director of Public Works and written approval from the Chief of Police. Application for a permit shall be made upon a form provided by the Director of Public Works and shall contain such information as may be required by him to ascertain that moving the building or part thereof will not endanger the public and town, or public or private property, and will not unduly inconvenience the public's right to use streets, highways and sidewalks.

Effective: 5/24/91

Section 7-20. Bond and Insurance Requirements.

(a) The Director of Public Works shall require such applicant for a building moving permit to deliver a Performance Bond to secure the Town against any damages suffered by town-owned property as a result of the moving of a building, or any part thereof, prior to issuing such permit. The bond shall also secure the Town against breach by the applicant of any of the conditions set out in the permit.

(b) Such bond shall be issued by an insurance carrier licensed to do business in the state for the amount required by the Director of Public Works.

(c) The Director of Public Works shall require the applicant to submit a Certificate of Insurance, naming the Town as an additional insured party, indicating that the applicant has obtained a Comprehensive General Liability (CGL) insurance policy with a \$2,000,000 per occurrence limit to cover any injury to persons (including death) and/or damage to public or private

³ State law reference: As to moving buildings, see Section 117 of the Building Code.

Sec. 7-21. Notice Required.

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Sec. 7-22. Demolition of Structures More Than Fifty Years Old; Permit; Fee.

property caused by the moving of a building or part thereof. The applicant shall also provide written evidence that it has procured automobile liability insurance with a limit of not less than \$1,000,000 per occurrence, as well as written evidence that it has procured Workers' Compensation insurance coverage.

(d) The Bond, Certificate of Insurance, and all other evidence of insurance shall be reviewed and approved by the Town's Finance Director or his/her designee in writing prior to the issuance of the building moving permit.

(e) Each and every applicant for a permit shall, prior to receiving same, sign and deliver to the Director of Public Works, on a form provided by the Director, a Hold Harmless and Indemnification Agreement to protect the Town against claims and demands from injured parties.

Effective: 5/24/91 (all of 7-20)

Sec. 7-21. Notice Required.

(a) Upon the issuance of the moving permit, the Director of Public Works shall notify the Chief of Police and Fire Department as to the route to be taken and the time.

(b) The permittee shall notify the telephone and electric company of such moving.

ARTICLE 5. DEMOLITION OF STRUCTURES.

Sec. 7-22. Demolition of Structures More Than Fifty Years Old; Permit; Fee.

- (a) No person shall demolish a building or structure located within the town that is larger than five hundred (500) square feet and more than fifty (50) years old without first obtaining a permit from the Department of Inspections and Permits.
- (b) The permit shall be issued upon completion by the applicant of the following requirements:
 - (1) Filing of a notice of intent to demolish with the Department of Inspections and Permits stating the address of the building, along with a description.
 - (2) Within ten (10) days of filing, the applicant shall post on the property upon which the building to be demolished is located, in a conspicuous place for at least thirty (30) consecutive days, a sign provided by the Department of Inspections and Permits.
 - (3) A waiting period of sixty (60) days after the filing of the notice of intent to demolish.
- (c) The Director of the Department of Inspections and Permits shall maintain on file a list of all parties, along with their address, who are interested in receiving notice of the filing of an intent to demolish. The Director may notify these parties by mail within five (5) days of the filing of a notice of intent to demolish.
- (d) The fee for a demolition permit issued pursuant to this Section shall be as provided by the Town Council in the Schedule of Fees.
- (e) The permit shall be good for one (1) year.

Effective: 11/17/82

Sec 7-23. Building Code.

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Sec. 7-29. Provisions of Other Ordinances, Regulations, Codes or Statutes.

Article 6. ADOPTION AND ADMINISTRATION OF BUILDING CODE

Sec 7-23. Building Code.

(a) The State of Connecticut Building Code, as amended from time to time, is hereby adopted as the Town of East Hartford Building Code. The Director of Inspections and Permits and his designees shall administer and enforce the provisions of such Code.

(b) All buildings and other structures shall be constructed, altered or repaired in strict compliance with the requirements of the Town's Building Code, as amended from time to time.

(c) No building or other structure shall be constructed, altered or repaired unless and until the construction, alteration or repair has been approved by the Director of Inspections and Permits and authorized by such Director through the issuance of a written permit authorizing the construction, alteration or repair of such building or structure upon payment of the fee established by the Town Council. Such permit shall be prominently displayed on the structure being constructed, altered or repaired at all times while work is in progress.

(d) Failure to secure a building permit before commencing the construction, alteration or repair of a building or other structure shall subject the owner of such structure to a surcharge of ninety-nine dollars which shall be added to the building permit fee authorized by the Town Council, provided such surcharge may be waived if the owner applies for such permit prior to receipt of the notice issued pursuant to sub-section (e) of this section. Subsection (d) effective 04-17-02

(e) An owner of a structure being constructed, altered or repaired without a valid permit shall apply for such permit within five working days of his receipt of a written notification from the Director of Inspections and Permits that he must apply for and receive a building permit in order to continue the construction, alteration or repair of such structure.

(f) Any owner of a structure who fails to apply for a building permit within the time set out in sub-section (e) above, shall be fined not more than ninety-nine dollars for each day on which the construction, alteration or repair of such structure remains in violation of this Chapter.

Sections 7-24 through 7-28 repealed October 29, 2019.

Article 7. DEMOLITION OF HAZARDOUS BUILDINGS AND STRUCTURES

Sec. 7-29. Provisions of Other Ordinances, Regulations, Codes or Statutes.

The provisions of this ordinance shall be supplemental to existing municipal ordinances dealing with housing and/or public health, and shall not limit the provisions of other local, state or federal codes, regulations or statutes as they may apply. If any clause or provision of this ordinance shall conflict with any clause or provisions of any other ordinance or other local, state or federal code, regulations or statute, the more stringent provision shall apply.

Effective: 11-18-95

Sec. 7-29a. Identification of Landlords

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Sec. 7-30. Authority.

Sec. 7-29a. Identification of Landlords

The Town of East Hartford hereby adopts the provisions of Public Act 05-223 requiring non-resident property owners of any rental dwelling unit to file their current residential address with the Director of Inspections and Permits. The Director of Inspections and Permits may issue a citation and assess a civil penalty of two hundred fifty dollars for the first violation and one thousand dollars for any subsequent violation of such filing requirement to any non-resident owner of any occupied or vacant rental dwelling unit who fails to comply with a written request by such director to comply with the provisions of Section 1 of Public Act 05-223 within twenty days of the date of such request. Any citation issued under this Section may be served by certified mail or by abode service at the property located within the town of East Hartford owned by such non-resident owner.

Voted: 11-22-05
Published: 11-29-05
Effective: 12-20-05

ARTICLE 8. ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING VIOLATIONS.

Sec. 7-30. Authority.

(a) The Zoning Enforcement Officer, or his designee, is hereby authorized to issue citations for violations of the Zoning Regulations of the Town of East Hartford to the extent and in the manner provided in this Section.

(b) Citations may be issued for the following violations of the zoning regulations, and the amount of the civil fine for each violation shall be as follows:

<i>Nature of Violation</i>	<i>Amount of Civil Fine</i>
Construction or alteration of any building or structure without a special use permit	\$150.00
Failure to comply with site location requirements	\$150.00
Excavation, grading, filling and/or removal of soil and other earth products without a permit	\$150.00
Conducting an unauthorized non-residential use in a residential zone	\$100.00
Failure to comply with visibility requirements at street intersections	\$100.00
Failure to comply with requirements for outdoor display, exhibit or storage of motor vehicles	\$ 50.00

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Failure to comply with buffer strip requirements	\$ 50.00
Construction of a vehicular way of access servicing a business or industrial use through a residential zone or buffer strip	\$ 50.00
Failure to comply with signage requirements	\$ 25.00
Failure to comply with requirements for coverage and parking of major recreation equipment and tractor/trailers and trucks	\$ 25.00
Failure to comply with alcoholic liquors requirements	\$150.00
Failure to comply with off-street parking and loading requirements	\$ 25.00
Failure to comply with yard requirements as set forth in zoning regulations	\$ 25.00
Failure to comply with requirements for maximum lot coverage as set forth in zoning regulations	\$ 25.00

(c) Any such citation maybe (1) personally served on the person named in the citation; (2) served by certified mail, return receipt requested, to the person named in such citation or; (3) served on the property where the zoning violation has occurred. The Zoning Enforcement Officer shall maintain an original or certified copy of the citation.

(d) Such citation shall include the following provisions: (1) that the person may pay the fine specified in the citation to the Tax Collector within fifteen days of receipt of such citation or service on the property where the violation occurred; (2) the allegations against him and the amount of the fines; (3) that the person may contest liability before a Hearing Officer appointed by the Mayor as provided in subsection (h) of this Section, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (4) that if the person cited does not demand such a hearing, an assessment and judgment will be entered against him; and (5) such judgment will issue without further notice.

(e) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, remit the full amount of the civil fine, either in person or by mail, payable to the Town of East Hartford - Tax Collector. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who fails to pay such fine or demand a hearing shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify such failure to the Hearing Officer. The Hearing Officer shall thereupon assess the civil fines provided for in the citation.

(f) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided the Hearing Officer may grant upon good cause shown any reasonable request by such person for a postponement. The

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presence of either the Zoning Enforcement Officer or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing and may present evidence in his behalf, and may be represented by agent or attorney. The Zoning Enforcement Officer or his designee may present evidence *on* behalf of the Town. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable provisions of the Zoning Regulations. The hearing shall be conducted in accordance with the rules of evidence as established in Connecticut General Statutes 54-178. The Hearing Officer shall render a decision within ten days of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, he shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, he shall assess the fines against such person as provided in the citation.

(g) If the assessment by the Hearing Officer is not paid to the Tax Collector within ten days of the decision of the Hearing Officer, the procedures set out in Connecticut General Statutes §7-152(f) shall apply.

(h) The Mayor shall appoint one or more citation Hearing Officers to conduct the hearings provided in subsection (f) of this Section. Neither the Zoning .Enforcement Officer, the Building Inspector nor any employee of the Town who exercises zoning authority maybe appointed as a Hearing Officer.

Voted: 9-16-97
Printed: 9-25-97
Effective: 10-17-97